



PTO/SB/31 (06-03)

Approved for use through 07/31/2003. OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**NOTICE OF APPEAL FROM THE EXAMINER TO  
THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Docket Number (Optional)

FA1097 US NA

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" on November 29, 2005

Signature Ellen M. Godfrey

Typed or printed name Ellen M. Godfrey

In re Application of  
Thomas Fey et al.

Application Number 10/611,731	Filed July 1, 2003
----------------------------------	-----------------------

For Process for the Production of Paint ....

Art Unit 1762	Examiner Erma C. Cameron
------------------	-----------------------------

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the last decision of the examiner.

The fee for this Notice of Appeal is (37 CFR 1.17(b)) \$ 500.00

- Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is: \$ 500.00
- A check in the amount of the fee is enclosed.
- Payment by credit card. Form PTO-2038 is attached.
- The Director has already been authorized to charge fees in this application to a Deposit Account. I have enclosed a duplicate copy of this sheet.
- The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. 04-1928. I have enclosed a duplicate copy of this sheet.
- A petition for an extension of time under 37 CFR 1.136(a) (PTO/SB/22) is enclosed.

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

I am the

- applicant/inventor.
- assignee of record of the entire interest.  
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.  
(Form PTO/SB/96)
- attorney or agent of record.  
Registration number \_\_\_\_\_.
- attorney or agent acting under 37 CFR 1.34(a).  
Registration number if acting under 37 CFR 1.34(a). 22,384

Hilmar L. Fricke  
Signature

Hilmar L. Fricke

Typed or printed name

(302) 984-6058

Telephone number

November 29, 2005

Date

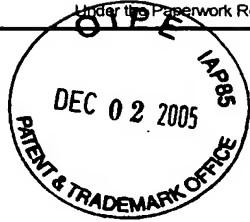
NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required.  
Submit multiple forms if more than one signature is required, see below\*.

\*Total of 1 forms are submitted.

This collection of information is required by 37 CFR 1.191. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

**Certificate of Mailing under 37 CFR 1.8**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

on November 29, 2005  
Date

Ellen M. Godfrey  
Signature

Ellen M. Godfrey

Type or printed name of person signing Certificate

Note: Each paper must have its own certificate of mailing, or this certificate must identify each submitted paper.

Application No: 10/611,731  
Filing Date: July 1, 2003  
First Named Inventor: Thomas Fey  
Title: Process for the Production of Paint Coating Layers  
Attorney Docket: FA1097 US NA

- Transmittal Form
- Fee Transmittal
- Notice of Appeal
- Receipt Card

Burden Hour Statement: This form is estimated to take 0.03 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.



Please type a plus sign (+) inside this box



PTO/SB/21(08-00)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE  
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.*AF 7/05*

## TRANSMITTAL FORM

*(to be used for all correspondence after initial filing)*

Application Number	10/611,731
Filing Date	July 1, 2003
First Named Inventor	Thomas Fey
Group Art Unit	1762
Examiner Name	Erma C. Cameron

Total Number of Pages in This Submission

5

Attorney Docket Number

FA1097 US NA

## ENCLOSURES (check all that apply)

 Fee Transmittal Form Fee Attached Amendment / Response After Final Affidavits/declaration(s) Extension of Time Request Express Abandonment Request Information Disclosure Statement Certified Copy of Priority Document(s) Response to Missing Parts/ Incomplete Application Response to Missing Parts under 37 CFR 1.52 or 1.53 Assignment Papers  
*(for an Application)* Drawing(s) Licensing-related Papers Petition Petition to Convert to a Provisional Application Power of Attorney, Revocation Change of Correspondence Address Terminal Disclaimer Request for Refund CD, Number of CD(s) \_\_\_\_\_ After Allowance Communication to Group Appeal Communication to Board of Appeals and Interferences Appeal Communication to Group  
*(Appeal Notice, Brief, Reply Brief)* Proprietary Information Status Letter Other Enclosure(s) *(please identify below):*

- Certificate of Mailing
- Receipt Card

Remarks

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm  
or  
Individual name

Hilmar L. Fricke, Registration No. 22,384

Signature

Date

November 29, 2005

## CERTIFICATE OF MAILING

I hereby certify that this correspondence is being sent via first class mail to: Commissioner for Patents, P.O Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Typed or printed name

Ellen M. Godfrey

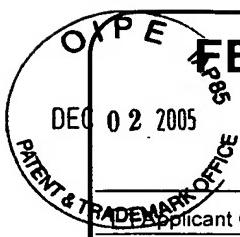
Signature

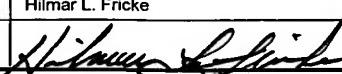
Date

November 29, 2005

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be send to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450 Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

 <b>EE TRANSMITTAL for FY 2005</b> <small>Patent fees are subject to annual revision.</small>		<b>Complete if Known</b> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">Application Number</td> <td>10/611,731</td> </tr> <tr> <td>Filing Date</td> <td>July 1, 2003</td> </tr> <tr> <td>First Named Inventor</td> <td>Thomas Fey</td> </tr> <tr> <td>Examiner Name</td> <td>1762</td> </tr> <tr> <td>Group / Art Unit</td> <td>Erma C. Cameron</td> </tr> <tr> <td>TOTAL AMOUNT OF PAYMENT</td> <td>(\$ 500.00)</td> </tr> <tr> <td>Attorney Docket No.</td> <td>FA1097 US NA</td> </tr> </table>		Application Number	10/611,731	Filing Date	July 1, 2003	First Named Inventor	Thomas Fey	Examiner Name	1762	Group / Art Unit	Erma C. Cameron	TOTAL AMOUNT OF PAYMENT	(\$ 500.00)	Attorney Docket No.	FA1097 US NA																																																																																																																																																																										
Application Number	10/611,731																																																																																																																																																																																										
Filing Date	July 1, 2003																																																																																																																																																																																										
First Named Inventor	Thomas Fey																																																																																																																																																																																										
Examiner Name	1762																																																																																																																																																																																										
Group / Art Unit	Erma C. Cameron																																																																																																																																																																																										
TOTAL AMOUNT OF PAYMENT	(\$ 500.00)																																																																																																																																																																																										
Attorney Docket No.	FA1097 US NA																																																																																																																																																																																										
<b>METHOD OF PAYMENT (check all that apply)</b>		<b>FEE CALCULATION (continued)</b>																																																																																																																																																																																									
<input type="checkbox"/> Check <input type="checkbox"/> Credit card <input type="checkbox"/> Money Order <input type="checkbox"/> Other <input type="checkbox"/> None <input checked="" type="checkbox"/> Deposit Account: Deposit Account Number: <b>04-1928</b> Deposit Account Name: <b>E.I. Dupont de Nemours and Company</b>		<b>3. ADDITIONAL FEES</b> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 30%;">Large Entity</th> <th style="width: 30%;">Small Entity</th> <th></th> <th></th> </tr> <tr> <th>Fee Code</th> <th>Fee (\$)</th> <th>Fee Code</th> <th>Fee (\$)</th> <th>Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr><td>105</td><td>130</td><td>205</td><td>65</td><td>Surcharge – late filing fee or oath</td><td></td></tr> <tr><td>127</td><td>50</td><td>227</td><td>25</td><td>Surcharge – late provisional filing fee or cover sheet</td><td></td></tr> <tr><td>139</td><td>130</td><td>139</td><td>130</td><td>Non-English specification</td><td></td></tr> <tr><td>147</td><td>2,520</td><td>147</td><td>2,520</td><td>For filing a request for reexamination</td><td></td></tr> <tr><td>112</td><td>920*</td><td>112</td><td>920*</td><td>Requesting publication of SIR prior to Examiner action</td><td></td></tr> <tr><td>113</td><td>1,840*</td><td>113</td><td>1,840*</td><td>Requesting publication of SIR after Examiner action</td><td></td></tr> <tr><td>115</td><td>120</td><td>215</td><td>60</td><td>Extension for reply within first month</td><td></td></tr> <tr><td>116</td><td>450</td><td>216</td><td>225</td><td>Extension for reply within second month</td><td></td></tr> <tr><td>117</td><td>1020</td><td>217</td><td>510</td><td>Extension for reply within third month</td><td></td></tr> <tr><td>118</td><td>1,590</td><td>218</td><td>795</td><td>Extension for reply within fourth month</td><td></td></tr> <tr><td>128</td><td>2,160</td><td>228</td><td>1,080</td><td>Extension for reply within fifth month</td><td></td></tr> <tr><td>119</td><td>500</td><td>219</td><td>250</td><td>Notice of Appeal</td><td>500.00</td></tr> <tr><td>120</td><td>500</td><td>220</td><td>250</td><td>Filing a brief in support of an appeal</td><td></td></tr> <tr><td>121</td><td>1000</td><td>221</td><td>500</td><td>Request for oral hearing</td><td></td></tr> <tr><td>138</td><td>1,510</td><td>138</td><td>1,510</td><td>Petition to institute a public use proceeding</td><td></td></tr> <tr><td>140</td><td>500</td><td>240</td><td>250</td><td>Petition to revive – unavoidable</td><td></td></tr> <tr><td>141</td><td>1,500</td><td>241</td><td>750</td><td>Petition to revive – unintentional</td><td></td></tr> <tr><td>142</td><td>1,400</td><td>242</td><td>700</td><td>Utility issue fee (or reissue)</td><td></td></tr> <tr><td>143</td><td>800</td><td>243</td><td>400</td><td>Design issue fee</td><td></td></tr> <tr><td>144</td><td>100</td><td>244</td><td>550</td><td>Plant issue fee</td><td></td></tr> <tr><td>122</td><td>130</td><td>122</td><td>130</td><td>Petitions to the Commissioner</td><td></td></tr> <tr><td>123</td><td>50</td><td>123</td><td>50</td><td>Processing fee under 37 CFR 1.17(q)</td><td></td></tr> <tr><td>126</td><td>180</td><td>126</td><td>180</td><td>Submission of Information Disclosure Stmt</td><td></td></tr> <tr><td>581</td><td>40</td><td>581</td><td>40</td><td>Recording each patent assignment per property (times number of properties)</td><td></td></tr> <tr><td>146</td><td>790</td><td>246</td><td>395</td><td>Filing a submission after final rejection (37 CFR § 1.129(a))</td><td></td></tr> <tr><td>149</td><td>790</td><td>249</td><td>395</td><td>For each additional invention to be examined (37 CFR § 1.129(b))</td><td></td></tr> <tr><td>179</td><td>790</td><td>279</td><td>395</td><td>Request for Continued Examination (RCE)</td><td></td></tr> <tr><td>169</td><td>900</td><td>169</td><td>900</td><td>Request for expedited examination of a design application</td><td></td></tr> <tr> <td colspan="6" style="text-align: center;">Other fee (specify) _____</td> </tr> </tbody> </table>		Large Entity	Small Entity			Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid	105	130	205	65	Surcharge – late filing fee or oath		127	50	227	25	Surcharge – late provisional filing fee or cover sheet		139	130	139	130	Non-English specification		147	2,520	147	2,520	For filing a request for reexamination		112	920*	112	920*	Requesting publication of SIR prior to Examiner action		113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action		115	120	215	60	Extension for reply within first month		116	450	216	225	Extension for reply within second month		117	1020	217	510	Extension for reply within third month		118	1,590	218	795	Extension for reply within fourth month		128	2,160	228	1,080	Extension for reply within fifth month		119	500	219	250	Notice of Appeal	500.00	120	500	220	250	Filing a brief in support of an appeal		121	1000	221	500	Request for oral hearing		138	1,510	138	1,510	Petition to institute a public use proceeding		140	500	240	250	Petition to revive – unavoidable		141	1,500	241	750	Petition to revive – unintentional		142	1,400	242	700	Utility issue fee (or reissue)		143	800	243	400	Design issue fee		144	100	244	550	Plant issue fee		122	130	122	130	Petitions to the Commissioner		123	50	123	50	Processing fee under 37 CFR 1.17(q)		126	180	126	180	Submission of Information Disclosure Stmt		581	40	581	40	Recording each patent assignment per property (times number of properties)		146	790	246	395	Filing a submission after final rejection (37 CFR § 1.129(a))		149	790	249	395	For each additional invention to be examined (37 CFR § 1.129(b))		179	790	279	395	Request for Continued Examination (RCE)		169	900	169	900	Request for expedited examination of a design application		Other fee (specify) _____					
Large Entity	Small Entity																																																																																																																																																																																										
Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid																																																																																																																																																																																						
105	130	205	65	Surcharge – late filing fee or oath																																																																																																																																																																																							
127	50	227	25	Surcharge – late provisional filing fee or cover sheet																																																																																																																																																																																							
139	130	139	130	Non-English specification																																																																																																																																																																																							
147	2,520	147	2,520	For filing a request for reexamination																																																																																																																																																																																							
112	920*	112	920*	Requesting publication of SIR prior to Examiner action																																																																																																																																																																																							
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action																																																																																																																																																																																							
115	120	215	60	Extension for reply within first month																																																																																																																																																																																							
116	450	216	225	Extension for reply within second month																																																																																																																																																																																							
117	1020	217	510	Extension for reply within third month																																																																																																																																																																																							
118	1,590	218	795	Extension for reply within fourth month																																																																																																																																																																																							
128	2,160	228	1,080	Extension for reply within fifth month																																																																																																																																																																																							
119	500	219	250	Notice of Appeal	500.00																																																																																																																																																																																						
120	500	220	250	Filing a brief in support of an appeal																																																																																																																																																																																							
121	1000	221	500	Request for oral hearing																																																																																																																																																																																							
138	1,510	138	1,510	Petition to institute a public use proceeding																																																																																																																																																																																							
140	500	240	250	Petition to revive – unavoidable																																																																																																																																																																																							
141	1,500	241	750	Petition to revive – unintentional																																																																																																																																																																																							
142	1,400	242	700	Utility issue fee (or reissue)																																																																																																																																																																																							
143	800	243	400	Design issue fee																																																																																																																																																																																							
144	100	244	550	Plant issue fee																																																																																																																																																																																							
122	130	122	130	Petitions to the Commissioner																																																																																																																																																																																							
123	50	123	50	Processing fee under 37 CFR 1.17(q)																																																																																																																																																																																							
126	180	126	180	Submission of Information Disclosure Stmt																																																																																																																																																																																							
581	40	581	40	Recording each patent assignment per property (times number of properties)																																																																																																																																																																																							
146	790	246	395	Filing a submission after final rejection (37 CFR § 1.129(a))																																																																																																																																																																																							
149	790	249	395	For each additional invention to be examined (37 CFR § 1.129(b))																																																																																																																																																																																							
179	790	279	395	Request for Continued Examination (RCE)																																																																																																																																																																																							
169	900	169	900	Request for expedited examination of a design application																																																																																																																																																																																							
Other fee (specify) _____																																																																																																																																																																																											
<b>1. BASIC FILING FEE</b> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 30%;">Large Entity</th> <th style="width: 30%;">Small Entity</th> <th></th> <th></th> </tr> <tr> <th>Fee Code</th> <th>Fee (\$)</th> <th>Fee Code</th> <th>Fee (\$)</th> <th>Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr><td>101</td><td>1000</td><td>201</td><td>500</td><td>Utility filing fee</td><td></td></tr> <tr><td>106</td><td>430</td><td>206</td><td>215</td><td>Design filing fee</td><td></td></tr> <tr><td>107</td><td>660</td><td>207</td><td>330</td><td>Plant filing fee</td><td></td></tr> <tr><td>108</td><td>1400</td><td>208</td><td>700</td><td>Reissue filing fee</td><td></td></tr> <tr><td>114</td><td>200</td><td>214</td><td>100</td><td>Provisional filing fee</td><td></td></tr> <tr> <td colspan="4" style="text-align: right;"><b>SUBTOTAL (1)</b></td> <td style="text-align: right;">(\$)</td> <td></td> </tr> </tbody> </table>		Large Entity	Small Entity			Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid	101	1000	201	500	Utility filing fee		106	430	206	215	Design filing fee		107	660	207	330	Plant filing fee		108	1400	208	700	Reissue filing fee		114	200	214	100	Provisional filing fee		<b>SUBTOTAL (1)</b>				(\$)		<b>2. EXTRA CLAIM FEES</b> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 30%;">Total Claims</th> <th style="width: 30%;">Extra Claims</th> <th style="width: 30%;">Fee from below</th> <th style="width: 30%;">Fee Paid</th> </tr> <tr> <th>Fee Code</th> <th>Fee (\$)</th> <th>Fee Code</th> <th>Fee (\$)</th> <th>Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr><td>-20</td><td>= 0</td><td>X 50</td><td>= 0</td><td></td><td></td></tr> <tr><td>-3</td><td>= 0</td><td>X 200</td><td>= 0</td><td></td><td></td></tr> <tr> <td>Multiple Dependent</td> <td><input type="checkbox"/></td> <td>X 360</td> <td>=</td> <td></td> <td></td> </tr> <tr> <td colspan="4" style="text-align: right;"><b>SUBTOTAL (2)</b></td> <td style="text-align: right;">(\$ 0)</td> <td></td> </tr> </tbody> </table>		Total Claims	Extra Claims	Fee from below	Fee Paid	Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid	-20	= 0	X 50	= 0			-3	= 0	X 200	= 0			Multiple Dependent	<input type="checkbox"/>	X 360	=			<b>SUBTOTAL (2)</b>				(\$ 0)																																																																																																									
Large Entity	Small Entity																																																																																																																																																																																										
Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid																																																																																																																																																																																						
101	1000	201	500	Utility filing fee																																																																																																																																																																																							
106	430	206	215	Design filing fee																																																																																																																																																																																							
107	660	207	330	Plant filing fee																																																																																																																																																																																							
108	1400	208	700	Reissue filing fee																																																																																																																																																																																							
114	200	214	100	Provisional filing fee																																																																																																																																																																																							
<b>SUBTOTAL (1)</b>				(\$)																																																																																																																																																																																							
Total Claims	Extra Claims	Fee from below	Fee Paid																																																																																																																																																																																								
Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid																																																																																																																																																																																						
-20	= 0	X 50	= 0																																																																																																																																																																																								
-3	= 0	X 200	= 0																																																																																																																																																																																								
Multiple Dependent	<input type="checkbox"/>	X 360	=																																																																																																																																																																																								
<b>SUBTOTAL (2)</b>				(\$ 0)																																																																																																																																																																																							
<small>**or number previously paid, if greater; For Reissues, see above</small>		<small>*Reduced by Basic Filing Fee Paid</small>		<b>SUBTOTAL (3)</b> (\$ 500.00)																																																																																																																																																																																							

<b>SUBMITTED BY</b>		<b>Complete (if applicable)</b>			
Name (Print/Type)	Hilmar L. Fricke	Registration No. Attorney/Agent)	22,384	Telephone	(302) 984-6058
Signature				Date	November 29, 2005

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038. Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Alexandria, VA 22313-1450.